

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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PEGGY ROIF ROTSTAIN, *et al.*, on behalf of :  
themselves and all others similarly situated, :  
: :  
: Plaintiffs, :  
: :  
and : Case No. 3:09-CV-02384-N  
: :  
THE OFFICIAL STANFORD INVESTORS :  
COMMITTEE, :  
: :  
: Plaintiff-Intervenor, :  
: :  
-against- :  
: :  
TRUSTMARK NATIONAL BANK, HSBC BANK :  
PLC, THE TORONTO-DOMINION BANK, :  
INDEPENDENT BANK F/K/A BANK OF :  
HOUSTON, SG PRIVATE BANKING (SUISSE) :  
S.A., and BLAISE FRIEDLI, :  
: :  
Defendants.  
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**STANFORD INVESTORS'  
OPPOSED MOTION TO INTERVENE**

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NOW INTO COURT, through undersigned counsel, come more than 900 victims of the Stanford Fraud, each of whom is individually identified at Exhibit A to the Appendix (the “Stanford Investors”), with collective losses exceeding \$490 million, and respectfully move this

Court for an Order granting the Stanford Investors leave to intervene and appear as intervenor plaintiffs in the above captioned action. The Stanford Investors seek to intervene out of an abundance of caution, in order to preserve actionable claims against the Bank Defendants<sup>1</sup> that might otherwise expire due to pending statutes of limitation.

Consistent with Local Rule 7.1, undersigned counsel has conferred with counsel for the Bank Defendants, who advise that this Motion to Intervene is opposed.

Undersigned counsel has also conferred with Plaintiffs,<sup>2</sup> the Official Stanford Investors Committee (“OSIC”), the Examiner, and the Receiver and have been advised that Plaintiffs, OSIC, the Examiner, and the Receiver do not oppose the Stanford Investors’ intervention, provided that if the Court grants the Investors’ intervention, the Investors consent to a stay of their intervenor action. The Stanford Investors are agreeable to a stay and will coordinate discovery efforts with the existing parties to the case, thus eliminating undue delay and promoting judicial efficiency.

If this motion to intervene is granted, the Stanford Investors will be represented in this action by the attorneys who are also representing Plaintiffs.

WHEREFORE, and for the reasons explained in the attached Memorandum, the Stanford Investors pray that the Court grant this Motion to Intervene and for such other relief as is just and proper, and that they be granted leave to file their Intervenor Complaint in substantially the form attached to the Appendix.

Dated: May 3, 2019

Respectfully submitted,

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<sup>1</sup> The “Bank Defendants” are The Toronto-Dominion Bank, Trustmark National Bank, HSBC Bank plc, Independent Bank, successor by merger to Bank of Houston, Société Générale Private Banking (Suisse) S.A., and Blaise Friedli.

<sup>2</sup> “Plaintiffs” are Steven Queyrouze, Guthrie Abbott, Salim Estefenn Uribe, Sarah Elson-Rogers, Diana Suarez, and Ruth Alfille de Penhos, the named plaintiffs in the Second Amended Class Action Complaint, Doc. 350.

**FISHMAN HAYGOOD, L.L.P.**

/s/ Jesse C. Stewart

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**CERTIFICATE OF CONFERENCE**

Counsel for the Stanford Investors conferred with counsel for Defendants via email on May 1 and May 2, 2019, and telephonically on May 2, 2019. The Defendants oppose the relief requested herein.

Counsel for the Stanford Investors also conferred with counsel for Plaintiffs, OSIC, the Examiner, and the Receiver via email on May 2, 2019 and telephonically on May 2, 2019. Plaintiffs, OSIC, the Examiner, and the Receiver do not oppose the relief requested herein, provided that if the Court grants the Investors' intervention, the Investors consent to a stay of their intervenor action.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2019, the foregoing document was filed using the Court's CM/ECF system, which has generated and delivered electronic notice of filing to all counsel of record who have consented to electronic service.

/s/ Jesse C. Stewart \_\_\_\_\_